



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

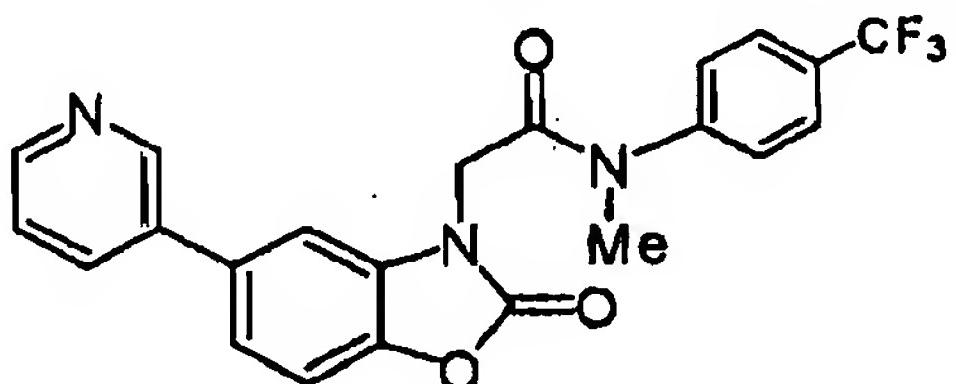
In re application of : **Confirmation No. 5837**
Toru KODO et al. : Attorney Docket No. 2006_1233A
Serial No. 10/590,157 : Group Art Unit 1614
Filed August 21, 2006 : Examiner Geeta Kadambi
NOVEL HETEROCYCLIC COMPOUND : **Mail Stop: AMENDMENT**

RESPONSE TO REQUIREMENT FOR ELECTION OF SPECIES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action of October 28, 2008, constituting a requirement for election of species, Applicants hereby elect the species of Example 338 on page 108 of the Specification. The elected species has the formula:



where in formula (1), in claim 1, X is O; R¹ is an optionally substituted alkyl; R² is an optionally substituted aryl (substituent: trifluoromethyl); R³, R⁴, R⁵, R⁷, and R⁸ are H; R⁶ is -E-A (E: single bond; A is an optionally substituted heteroaryl).

The claims which read on the elected species are claims 1-3, 10-11, 17-19, 22-23 and 26.

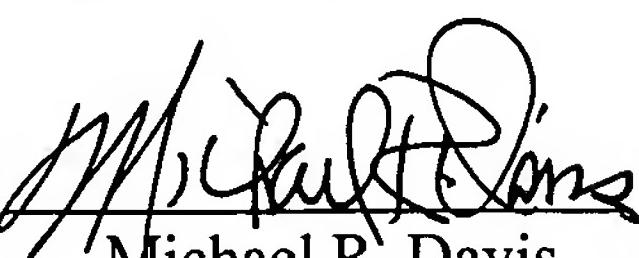
Applicants emphasize that the foregoing election is made while reserving their right under 35 U.S.C. 121 to file a divisional application for any subject matter which might later be deleted from the claims.

Action on the merits is requested.

Respectfully submitted,

Toru KODO et al.

By:



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November 28, 2008

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975